

STATE OF COLORADO

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4900 Cherry Creek Dr. S.
Denver, Colorado 80249-1530

Phone (303) 892-2000

TDD Line (303) 891-7700

Located in Glendale, Colorado

<http://www.cdphe.state.co.us>

Laboratory Services Division

8100 Lowry Blvd.

Denver, Colorado 80230-8928

(303) 892-3090



Colorado Department
of Public Health
and Environment

December 22, 2003

Mark D. Johnson

Vice President

Gannett Fleming, Inc.

6 Pleasant Street

Malden, MA 02148

Re: Renewal Environmental Solutions
Thermo-Depolymerization Process Installation
SW WLD GEN 1.1 and SW ADMIN 0.11.1

Dear Mr. Johnson:

I am responding to your December 9, 2003 letter and our telephone conversation of December 17, 2003 regarding plans to install a plant in Weld County, Colorado that would convert meat-processing offal into energy and agricultural products. Renewable Environmental Solutions (RES) in conjunction with Con Agra Foods and Changing World Technologies, Inc. plan to build a Thermo-Depolymerization (TDP) plant. The plant would accept poultry offal and agricultural waste from the local farming community for raw material to be used in the process. You have requested that the Department determine whether a recycling exemption to a Certificate of Designation (CD) is appropriate for your proposal.

The proposed plant would accept the poultry offal that currently is transported to a rendering plant into an enclosed unloading area equipped with a High Volume Air Conditioner (HVAC) and biofilter system. The raw materials would be unloaded directly into a hopper or bin from where it is directly fed into the production cycle. The materials are pulped and blended in an enclosed system and then fed into a series of pressure vessels where they are treated in two basic stages at different temperatures and pressures. Products such as commercial grade fatty acids and flammable gas are extracted from the process. The gas is to be used in powering the plant, the other products sold on the market. Ammonia that is extracted from the process is to be captured and made into fertilizer. Air and water permits are being applied for and the development of the project is to be conducted under appropriate County regulations.

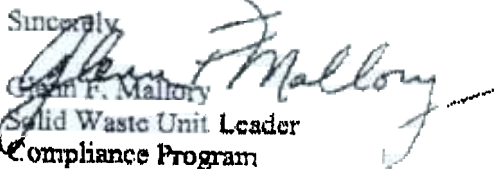
In considering your request we have taken into account that the poultry offal is currently going to a rendering plant for commercial processing. The only change would be the distance that the material would be hauled and the location of the processing plant. The additional material that is to be used in

this process is agricultural waste in the form of turkey litter from a series of turkey farms in the region. The turkey litter under Colorado statute (C.R.S 30-20-101(6)(b)) is not considered a solid waste. The offal that has been historically been sent to the rendering plant is considered to be a commercial by-product or raw material that is still in commerce and as such it is not subject to the solid waste law. If this latter material is to be directly land applied the solid waste statutes would apply, see C.R.S. 30-20-110(h). If either of these material streams were to go to a composting site for processing then the solid waste rules would apply to that site and process (see 6 CCR 1007-2, section 14).

In summation, a Certificate of Designation for the proposed Thermo-Depolymerization plant is not necessary under the current rules. Your request for an exemption under the recycling authority cited above does not apply.

If you have questions regarding this matter please contact me at 303/692-3445. On behalf of this Department I wish all success to this project.

Sincerely,


Glenn F. Mallory
Solid Waste Unit Leader
Compliance Program

Cc T. Jiricek, Weld County Health
J. Akins, APCTD
B. Simons, WQCD



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:
ES/CO:T&E
Mail Stop 65412

JAN 21 2004

Joyce Beck
Department of Energy Golden Field Office
1617 Cole Boulevard
Golden, CO 80401-3393

Dear Ms. Beck:

This responds to your letter dated January 8, 2004 regarding the effects of the proposed construction of a Thermal Conversion Process (TCP) Commercial Demonstration Plant in Weld County, Colorado on species Federally listed, proposed for Federal listing, and candidate species occurring in Weld County, Colorado. These comments have been prepared under the provisions of the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 et. seq.). The United States Fish and Wildlife Service (Service) is concerned about the protection of threatened and endangered species, as well as species which are candidates or proposed for official listing as threatened or endangered (Federal Register, Vol. 61, No. 40, February 28, 1996).

It is our understanding that the proposed project would construct and operate a prototype commercial-scale demonstration plant that would convert agricultural residuals and low-value organic streams into fuels, oils, gases, and carbons, with no hazardous emissions into the environment. The plant would be located in Weld County, Colorado. The project site consists of approximately 314 acres of undeveloped land, of which about 40 acres would be needed for the proposed TCP plant and associated components. The Service does not have specific knowledge of the project site; however, enclosed is a list of Federal endangered, threatened, proposed, and candidate species for Weld County, Colorado. The list can be used as a basis for determining species potentially present in the project area.

Our data indicates that the following species and critical habitat may occur in the project area.

(1) Listed species [threatened (T) and endangered (E)]

bald eagle (*Haliaeetus leucocephalus*) - T
black-footed ferret (*Mustela nigripes*) - E
Colorado butterfly plant (*Gaura neomexicana* ssp. *coloradensis*) - T
interior least tern (*Sterna antillarum athalassos*) - E
Mexican spotted owl (*Strix occidentalis lucida*) - T
pallid sturgeon (*Scaphirhynchus albus*) - E
piping plover (*Charadrius melodus*) - T
Preble's meadow jumping mouse (*Zapus hudsonius preblei*) - T

Ute ladies'-tresses (*Spiranthes diluvialis*) - T
whooping crane (*Grus americana*) - E

(2) Proposed species

none

(3) Candidate species

black-tailed prairie dog (*Cynomys ludovicianus*) - C

(4) Designated critical habitat for

none

(5) Proposed critical habitat for

none

Since 1978, the Service has consistently taken the position in its section 7 consultations that Federal agency actions resulting in existing or new water depletions to the Platte River system may affect the endangered whooping crane (*Grus americana*), endangered interior least tern (*Sterna antillarum*), threatened piping plover (*Charadrius melodus*), endangered pallid sturgeon (*Scaphirhynchus albus*), threatened bald eagle (*Haliaeetus leucocephalus*), endangered Eskimo curlew (*Numenius borealis*), threatened western prairie fringed orchid (*Platanthera praeclara*), and designated critical habitat for the whooping crane and piping plover in the central Platte River in Nebraska. Depletions include evaporative losses and/or consumptive use less return flows. Project elements that could be associated with depletions to the Platte River system include, but are not limited to, ponds (detention/recreation/irrigation storage), lakes (recreation/irrigation storage/municipal storage/power generation), reservoirs (recreation/irrigation storage/municipal storage/power generation), pipelines, and water treatment facilities.

If there are depletions associated with the proposed project or if any species Federally listed, proposed for Federal listing, or a candidate for Federal listing are found at the project site, initiation of formal section 7 consultation in the form of a letter to this office should be submitted. Once the Environmental Assessment of the proposed project is complete, it is our recommendation that it be submitted for our review. If you require additional information, please contact Erik Kraft of this office at (303) 275-2359.

Sincerely,



Susan C. Linner
Colorado Field Supervisor

January 30, 2004

Madeline Terry
Biologist
Science Applications International Corporation
8100 Shaffer Parkway, Suite 100
Littleton, CO 80127

Colorado Natural Heritage Program
Colorado State University
8002 Campus Delivery
Fort Collins, Colorado 80523-8002
(970) 491-1309
FAX: (970) 491-3349
www.cnhp.colostate.edu

Dear Madeline:

The Colorado Natural Heritage Program (CNHP) is in receipt of your request for information regarding the Science Applications International Corporation area of interest in Weld County near Milton Reservoir. In response, I have searched our Biological and Conservation Datasystem (BCD) for natural heritage elements (occurrences of significant natural communities and rare, threatened or endangered plants and animals) documented from the vicinity of the area specified in your request, specifically within a two-mile buffer of the coordinates provided by SAIC.

The enclosed report describes natural heritage resources known from this area and gives location (by Township, Range, and Section), precision information, and the date of last observation of the element at that location. This report includes elements known to occur within the specified project site, as well as elements known from similar landscapes near the site. Please note that "precision" reflects the resolution of original data. For example, an herbarium record from "4 miles east of Colorado Springs" provides much less spatial information than a topographic map showing the exact location of the occurrence. "Precision" codes of Seconds, Minutes, and General are defined in the footer of the enclosed report.

The report also outlines the status of known elements. We have included status according to Natural Heritage Program methodology and legal status under state and federal statutes. Natural Heritage ranks are standardized across the Heritage Program network, and are assigned for global and state levels of rarity. They range from "1" for critically imperiled or extremely rare elements, to "5" for those that are demonstrably secure.

You may notice that some occurrences do not have sections listed. Those species have been designated as "sensitive" due to their rarity and threats by human activity. Peregrine falcons, for example, are susceptible to human breeders removing falcon eggs from their nests. For these species, CNHP does not normally provide location information beyond township and range. Please contact us should you require more detailed information for sensitive occurrences.

There are no CNHP designated Potential Conservation Areas located within your project area. In order to successfully protect populations or occurrences, it is necessary to delineate conservation areas. These conservation areas focus on capturing the ecological processes that are necessary to support the continued existence of a particular element of natural heritage significance. Conservation areas may include a single occurrence of a rare element or a suite of rare elements or significant features.



The goal of the process is to identify a land area that can provide the habitat and ecological processes upon which a particular element or suite of elements depends for their continued existence. The best available knowledge of each species' life history is used in conjunction with information about topographic, geomorphic, and hydrologic features, vegetative cover, as well as current and potential land uses. The proposed boundary does not automatically exclude all activity. It is hypothesized that some activities will cause degradation to the element or the process on which they depend, while others will not. Consideration of specific activities or land use changes proposed within or adjacent to the preliminary conservation planning boundary should be carefully considered and evaluated for their consequences to the element on which the conservation unit is based.

The Colorado Division of Wildlife has legal authority over wildlife in the state. CDOW would therefore be responsible for the evaluation of and final decisions regarding any potential effects a proposed project may have on wildlife. If you would like more specific information regarding these or other vertebrate species in the vicinity of the area of interest, please contact the Colorado Division of Wildlife.

The information contained herein represents the results of a search of Colorado Natural Heritage Program's (CNHP) Biological and Conservation Data System (BCD), and can be used as notice to anticipate possible impacts or identify areas of interest. Care should be taken in interpreting these data. Sensitive elements are currently known from within the proposed project area, and additional, but undocumented, elements may also exist (see enclosed report). Please note that the absence of data for a particular area, species, or habitat does not necessarily mean that these natural heritage resources do not occur on or adjacent to the project site, rather that our files do not currently contain information to document their presence. CNHP information should not replace field studies necessary for more localized planning efforts, especially if impacts to wildlife habitat are possible.

Although every attempt is made to provide the most current and precise information possible, please be aware that some of our sources provide a higher level of accuracy than others, and some interpretation may be required. CNHP's data system is constantly updated and revised. Please contact CNHP for an update or assistance with interpretation of this natural heritage information.

The data contained in the report is the product and property of the Colorado Natural Heritage Program (CNHP), a sponsored program at Colorado State University (CSU). The data contained herein are provided on an as is, as available basis without warranties of any kind, expressed or implied, including (but not limited to) warranties of merchantability, fitness for a particular purpose, and non-infringement. CNHP, CSU and the state of Colorado further expressly disclaim any warranty that the data are error free or current as of the date supplied.

Sincerely,

Michael Menefee
Environmental Review Coordinator

Enc.





Colorado Natural Heritage Program Environmental Review

Locations and Status of Rare and / or Imperiled Elements known from or likely to occur within the vicinity of the Science Applications International Corporation Area of Interest southwest of Milton Reservoir in Weld County, Colorado

Report Generated: 29 January 2004

<i>taxonomic group</i>	<i>scientific name</i>	<i>common name</i>	<i>prec</i>	<i>last obs</i>	<i>town/range</i>	<i>section</i>	<i>grank</i>	<i>srnk</i>	<i>ESA</i>	<i>fed stat</i>	<i>st stat</i>
Birds	NUMENIUS AMERICANUS	LONG-BILL ED CURTIS FW	G	1975-05-99	002N065W	35	G5	S2B,S2N		FS/BLM	